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NOTICE OF ALLOWANCE AND FEE(S) DUE

49637 7590 10/01/2008

BERRY & ASSOCIATES P.C.
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LOS ANGELES, CA 90069

EXAMINER

MEINISCKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 10/01/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/874,717

06/04/2001

Roger Flores

PALM-3643 , US , P

6235

TITLE OF INVENTION: AUTOMATIC COLLECTION AND UPDATING OF APPLICATION USAGE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$0 | \$0 | \$1440 | 01/02/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

49637 7590 10/01/2008

BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/874,717 | 06/04/2001 | Roger Flores | PALM-3643 . US . P | 6235 |

TITLE OF INVENTION: AUTOMATIC COLLECTION AND UPDATING OF APPLICATION USAGE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
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| nonprovisional | NO | \$1440 | \$0 | \$0 | \$1440 | 01/02/2009 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|--------------------------|----------|----------------|
| MEINECKE DIAZ, SUSANNA M | 3692 | 705-010000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

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- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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| 09/874,717 | 06/04/2001 | Roger Flores | PALM-3643 , US , P | 6235 |
| 49637 | 7590 | 10/01/2008 | EXAMINER | |
| BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069 | | | MEINCKE DIAZ, SUSANNA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3692 | |
| DATE MAILED: 10/01/2008 | | | | |

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 904 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 904 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/874,717

Applicant(s)

FLORES ET AL.

Examiner

Susanna M. Diaz

Art Unit

3692

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's amendment agreed to on September 11, 2008.
2. ☒ The allowed claim(s) is/are 1-6 and 8-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Susanna M. Diaz/
Primary Examiner
Art Unit: 3692

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Reena Kuyper (Reg. No. 33,830) on September 11, 2008.

The application has been amended as follows:

1. (Previously Presented) In an electronic device having a plurality of application programs, a method of monitoring usage comprising the steps of:

a) gathering usage statistics of said application programs, said usage statistics comprising: measurements denoting a duration of usage when said electronic device is powered by batteries; measurements denoting a duration of usage when said electronic device is powered by an external source of power; measurements denoting a duration of usage when an auto-shutoff of said electronic device occurs, said measurements for denoting a duration of usage adjusted by a predetermined scale factor; and measurements denoting a duration of usage of said application programs when an interrupt occurs;

b) storing said usage statistics; and

c) automatically transmitting said stored usage statistics to a server on a regular basis, whereby said server tabulates said usage statistics;

wherein said gathering step further comprises measuring duration of application usage, and when an auto-shutoff occurs, includes a predetermined fraction of the time from a last user interaction to said auto-shutoff in said measured duration.

2. (Original) A method as described in Claim 1 wherein said storing step comprises, for at least one said application program, storing of:

- i) duration of usage since last said transmitting step occurred;
 - ii) number of times used since last said transmitting step occurred;
 - iii) total duration usage; and
 - iv) total number of times used.
3. (Original) A method as described in Claim 1 and further comprising the step of displaying said stored usage statistics on a display of said electronic device.
4. (Previously Presented) A method as described in Claim 1 wherein said gathering step further comprises measuring duration of usage of at least one said application program and does not include time when said electronic device is turned off.
5. (Previously Presented) A method as described in Claim 1 wherein said gathering step further comprises:
- i) measuring, for at least one said application program, a first duration of usage while said electronic device is running on batteries; and
 - ii) measuring, for said at least one application program, a second duration of usage while said electronic device is connected to an external source of power.
6. (Original) A method as described in Claim 5 wherein said measuring steps do not include time when an interrupt pauses use of said at least one application program.
7. (Canceled)
8. (Original) A method as described in Claim 1 wherein said electronic device is a palm-sized computer system.
9. (Original) A method as described in Claim 1 wherein said electronic device is a wireless telephone.

10. (Currently Amended) In an personal digital assistant having a plurality of application programs, a method of monitoring usage comprising the steps of:

- a) gathering usage statistics of said application programs, said usage statistics comprising: measurements denoting a duration of usage when said personal digital assistant is powered by batteries; measurements denoting a duration of usage when said personal digital assistant is powered by an external source of power; measurements denoting a duration of usage when an auto-shutoff of said personal digital assistant occurs, said measurements for denoting a duration of usage adjusted by a predetermined scale factor; and measurements denoting a duration of usage of said application programs when an interrupt occurs;
- b) storing said usage statistics; and
- c) automatically transmitting said stored usage statistics to a server on a regular basis, whereby said server tabulates said usage statistics; and wherein said gathering step further comprises measuring duration of application usage, and when an auto-shutoff occurs, includes a predetermined fraction of the time from a last user interaction to said auto-shutoff in said measured duration.

11. (Original) A method as described in Claim 10 wherein said storing step comprises, for at least one said application program, storing of:

- i) duration of usage since last said transmitting step occurred;
- ii) number of times used since last said transmitting step occurred;
- iii) total duration usage; and
- iv) total number of times used.

12. (Previously Presented) A method as described in Claim 10 and further comprising the step displaying said stored usage statistics on a display of said personal digital assistant.

13. (Previously Presented) A method as described in Claim 10 wherein said gathering step further comprises:

- i) measuring, for at least one said application program, a first duration of usage while said electronic device is running on batteries; and
- ii) measuring, for said at least one application program, a second duration of usage while said electronic device is connected to an external source of power.

14. (Original) A method as described in Claim 10 wherein said personal digital assistant is a palm-sized computer system.

15. (Original) A method as described in Claim 10 wherein said personal digital assistant is a wireless telephone.

16. (Currently Amended) In an electronic device comprising a processor coupled to a bus, a display coupled to said bus and a memory coupled to said bus, said memory having a database of records of different categories and instructions implementing a method of displaying information comprising the steps of:

- a) gathering usage statistics of said application programs, said usage statistics comprising: measurements denoting a duration of usage when said electronic device is powered by batteries; measurements denoting a duration of usage when said electronic device is powered by an external source of power; measurements denoting a duration of usage when an auto-shutoff of said electronic device occurs, said measurements for denoting a duration of usage adjusted by a predetermined scale factor; and measurements denoting a duration of usage of said application programs when an interrupt occurs;
- b) storing said usage statistics; and
- c) automatically transmitting said stored usage statistics to a server on a regular basis, whereby said server tabulates said usage statistics; and

wherein said gathering step further comprises measuring duration of application usage, and when an auto-shutoff occurs, includes a predetermined fraction of the time from a last user interaction to said auto-shutoff in said measured duration.

17. (Original) A method as described in Claim 16 wherein said storing step comprises, for at least one said application program, storing of:
 - i) duration of usage since last said transmitting step occurred;
 - ii) number of times used since last said transmitting step occurred;
 - iii) total duration usage; and
 - iv) total number of times used.
18. (Original) A method as described in Claim 16 and further comprising the step of displaying said stored usage statistics on a display of said electronic device.
19. (Previously Presented) A method as described in Claim 16 wherein said gathering step further comprises:
 - i) measuring, for at least one said application program, a first duration of usage while said electronic device is running on batteries; and
 - ii) measuring, for said at least one application program, a second duration of usage while said electronic device is connected to an external source of power.
20. (Original) A method as described in Claim 16 wherein said electronic device is a palm-sized computer system.
21. (Original) A method as described in Claim 16 wherein said electronic device is a wireless telephone.
22. (Currently Amended) In a system comprising a plurality of electronic devices having application programs and a computer server, a method of monitoring usage comprising the steps of:

a) gathering usage statistics of said application programs, said usage statistics comprising: measurements denoting a duration of usage when said electronic device is powered by batteries; measurements denoting a duration of usage when said electronic device is powered by an external source of power; measurements denoting a duration of usage when an auto-shutoff of said electronic device occurs, said measurements for denoting a duration of usage adjusted by a predetermined scale factor; and measurements denoting a duration of usage of said application programs when an interrupt occurs;

b) storing said usage statistics;

c) automatically transmitting said stored usage statistics to a server on a regular basis; and

d) tabulating said transmitted usage statistics; and

wherein said gathering step further comprises measuring duration of application usage, and when an auto-shutoff occurs, includes a predetermined fraction of the time from a last user interaction to said auto-shutoff in said measured duration.

23. (Original) A method as described in Claim 22, the system further comprising host computer, and further comprising the step of transmitting said stored usage statistics to said host computer before transmitting said stored usage statistics to said server.

24. (Original) A method as described in Claim 22 and further comprising the step of publishing said tabulated usage statistics on the Internet.

25. (Original) A method as described in Claim 22 and further comprising the step of crediting value to an account corresponding to at least one of said electronic devices.

26. (Currently Amended) In one or more computer servers, a method of collecting usage statistics comprising the steps of:

- a) automatically receiving usage statistics for at least one application program on a regular basis, said usage statistics having been gathered from electronic devices, wherein said usage statistics comprise: measurements denoting a duration of usage when said electronic device is powered by batteries; measurements denoting a duration of usage when said electronic device is powered by an external source of power; measurements denoting a duration of usage when an auto-shutoff of said electronic device occurs, said measurements for denoting a duration of usage adjusted by a predetermined scale factor and measurements denoting a duration of usage of said at least one application program when an interrupt occurs;
- b) tabulating said received usage statistics; and
- c) publishing said tabulated usage statistics; and wherein said gathering step further comprises measuring duration of application usage, and when an auto-shutoff occurs, includes a predetermined fraction of the time from a last user interaction to said auto-shutoff in said measured duration.

27. (Original) A method as described in Claim 26 and further comprising the step of crediting value to an account corresponding to at least one of said electronic devices.

28. (Original) A method as described in Claim 26 and further comprising the step of storing said tabulated usage results in a database that can be queried.

29. (Original) A method as described in Claim 28 wherein said publishing step comprises:

- a) receiving a query request;
- b) applying said query to said database;
- c) receiving query results from said database;
- d) formatting said results; and
- e) transmitting said formatted results.

Allowable Subject Matter

2. Claims 1-6 and 8-29 are allowed.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692